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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ronald A. KATZ

Serial No.: 09/313,120

Filed: May 17, 1999

For: TELEPHONE INTERFACE CALL  
PROCESSING SYSTEM WITH  
CALL SELECTIVITY



Group Art Unit: 2743

Examiner: S. Woo

Office Action mailed:

October 28, 1999

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Assistant Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated October 28, 1999, please amend the above-identified patent application as follows:

IN THE CLAIMS:

Please amend claims 17, 19, 20, and 21 as follows.

Subj. (Amended) A telephone call processing system for receiving calls through a telephone communication facility from a multitude of terminals for processing in an interface format wherein callers are cued by voice signals supplied to said multitude of terminals and respond with digital signals, as by actuating push buttons at said multitude of terminals, said

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April 28, 2000

Date

Reena Kuyper, Registration No. 33,830

system having digital signals indicative of DNIS, said telephone call processing system comprising:

means for selectively receiving calls from said multitude of terminals to establish telephone communication with a select subset of callers utilizing calling number identification signals automatically provided by [a] the telephone communication facility, said interface format selected by said digital signals indicative of DNIS;

means for providing identification signals for said callers of said select subset;

means for individually cuing said callers of said select subset to provide digital signals for processing to isolate a sub-subset of said callers; and

means for storing identification signals for said callers of said sub-subset.

Sub 19. (Amended) A telephone call processing system for receiving calls through a telephone communication facility from a multitude of terminals for processing in an interface format wherein callers are cued by voice signals supplied to said multitude of terminals and respond with digital signals, as by actuating push buttons at said multitude of terminals, said telephone call processing system comprising:

means for receiving calls from said multitude of terminals and establishing telephone communication to select a subset of callers based upon online responses provided by said select subset of callers to questions, said means for receiving calls utilizing automatic number identification signals associated with a calling terminal automatically provided by [a] the telephone communication facility;

means for providing identification signals for said callers of said select subset; and

means for processing data relating to said callers of said select subset to isolate a sub-subset of said callers.

Sub 20. (Amended) A telephone call processing system for receiving calls through a telephone communication facility from a multitude of terminals for processing in an interface format wherein callers are cued by synthesized voice signals supplied to said multitude of terminals and respond with digital signals, as by actuating push buttons at said multitude of terminals, said telephone call processing system comprising:

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means for selectively receiving calls from said multitude of terminals to establish telephone communication with a select subset of callers, said means for selectively receiving calls comprising means for receiving calls in a plurality of call modes including a toll free calling mode and a caller charge calling mode;

means for providing identification signals for said callers of said select subset;

means for individually cueing said callers of said select subset to prompt digital signals for processing to isolate a sub-subset of said callers; and

means for storing identification signals for said callers of said sub-subset.

22. (Amended) A telephone call processing system for receiving calls through a telephone communication facility from a multitude of terminals for processing in an interface format wherein callers are cued by synthesized voice signals supplied to said multitude of terminals and respond with digital signals, as by actuating push buttons at said multitude of terminals, said telephone call processing system comprising:

means for receiving calls from said multitude of terminals and establishing telephone communication to select a subset of callers based upon online responses provided by said select subset of callers to questions, said means for receiving calls comprising means for receiving calls in a plurality of call modes including an "800" toll free calling mode and a caller charge calling mode;

means for providing identification signals for said callers of said select subset;  
and

means for processing data relating to said callers of said select subset to isolate a sub-subset of said callers.

### REMARKS

This Amendment is in response to the office action dated October 28, 1999. Claims 17-22 are currently pending. By this amendment, claims 17, 19, 21, and 22 are amended to further clarify them.

Applicant notes that the official filing receipt sent by the U.S. Patent and Trademark Office does not indicate with accuracy the chain of applications from which the present application claims priority. The missing portions are indicated on the attached copy of the official filing receipt. Applicant respectfully requests that the official filing receipt is updated to reflect the chain of priority with accuracy.

In paragraphs 1 and 2 of the office action, the Examiner rejected claims 17-22 under the judicially created doctrine of double patenting over claim 23 of U.S. Patent No. 5,128,984. Applicant is submitting with this response, a terminal disclaimer to obviate the double patenting rejection with respect to U.S. Patent No. 5,128,984.

In paragraphs 3 and 4 of the office action, the Examiner rejected claims 19-22 under 35 U.S.C. Section 102(e) as being anticipated by Entenmann (U.S. Patent No. 4,996,705 to Entenmann et al.). Claim 19 requires (1) a "*means for receiving calls utilizing automatic number identification signals associated with a calling terminal automatically provided by a telephone facility*" and a (2) "*means for providing identification signals for said callers of said select subset.*" The Examiner relies on ANI disclosed in Entenmann to satisfy these separate requirements recited by claim 19. Indeed, if anything, the disclosure in Entenmann of "*ANI signals supplied by the local switching system*" could not possibly satisfy the requirement in the claim for a "*means for providing identification signals for said select subset*" because the local switching system is typically a part of the telephone communication facility and not a part of the claimed telephone call processing system. Accordingly, Applicant continues to urge that both claims 19 and 20 (depends on 19) are distinct from Entenmann.

With respect to claims 21-22, the Examiner points to column 2, lines 47-62, in Entenmann and takes the position that Entenmann provides for a plurality of different lotteries including a "*customer paid lottery*" or a "*sponsor paid lottery.*" The Examiner's attention is respectfully directed to Figure 2 in Entenmann. It indicates that the customer calls the lottery system (block 50) and the sponsor calls the customer (80) and not the lottery system. The call by the customer (an outbound call from the customer to the lottery system) involves entirely different operations from the call to the customer (an inbound call to the customer). Applicant respectfully notes that both claims 21 and 22 require receiving calls from callers at a multitude of terminals (therefore calls placed by callers or outbound calls from the callers) in an "800" toll free calling mode and a "*caller charge*" calling mode. Moreover, Entenmann does not explicitly

mention either of these two types of calling modes. If it is assumed for purposes of argument that the "800" toll free calling mode is satisfied by Entenmanns' *"sponsor paid lottery,"* the fact that a sponsor places the call to the customer cannot be ignored. Applicant respectfully submits that both claims 21 and 22 are distinct from Entenmann and requests the Examiner to withdraw her rejection of those claims.

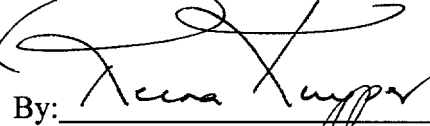
In paragraph 6 of the office action, the Examiner rejected claims 17-18 under 35 U.S.C. Section 103(a) as being unpatentable over Entenmann in view of Hester. The Examiner relies on Hester for a teaching of DNIS, and contends that it would have been obvious to one of ordinary skill to incorporate DNIS within Entenmanns' lottery system in order to automatically identify the selected lottery format from a plurality of lottery formats. Entenmann is distinct from Applicant's claims for the reasons urged above. Again, claim 17 requires (1) a *"means for selectively receiving calls from said multitude of terminals to establish telephone communication with a select subset of callers utilizing calling number identification signals automatically provided by a telephone facility"* and (2) a *"means for providing identification signals for said callers of said select subset."* The Examiner contends that Entenmanns' ANI satisfies these separate requirements recited by claim 17. Indeed, if anything, the disclosure in Entenmann of *"ANI signals supplied by the local switching system"* could not possibly satisfy the requirement in the claim for a *"means for providing identification signals for said select subset"* because the local switching system is typically a part of the telephone facility and not a part of the claimed telephone call processing system.

In addition, Entenmann discloses a customer paid lottery or a sponsor paid lottery. The Examiner's attention is respectfully directed to Figure 2 of Entenmann. It indicates that the customer calls the lottery system (block 50) and the sponsor calls the customer (80) and not the lottery system. The call by the customer (an outbound call) involves entirely different operations from the call to the customer (an inbound call). Applicant submits that use of DNIS with calls from a sponsor to a customer would not appear to be practical. Accordingly, Applicant respectfully submits that a combination of Entenmann with Hester would not render present claims 17 and 18 (depends on 17) obvious. Applicant respectfully request the Examiner to withdraw her rejection of these claims.

Favorable consideration and allowance of all the pending claims is respectfully requested.

Respectfully submitted,

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By: \_\_\_\_\_

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Dated: April 28, 2000

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